

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1470 – HB 1882

February 8, 2014

**SUMMARY OF BILL:** Enacts the Data Accessibility, Transparency, and Accountability Act, which requires the State Board of Education (SBE) to create and make public, a data inventory and dictionary of definitions currently used in the student data system for individual student data fields, including data required for reporting by state or federal education mandates; proposed to be included in the student data system; or collected or maintained by the Department of Education (DOE) with no current purpose or reason. Requires the SBE to develop and make public policies and procedures to comply with the Federal Educational Rights and Privacy Act (FERPA), Tenn. Code Ann. § 10-7-504 and other privacy laws and policies. Such SBE policies shall at a minimum require that access to student and de-identified data is restricted to authorized DOE staff and contractors; local education agency staff; students and parents; and authorized staff of other state agencies. Requires the Commissioner of Education to develop criteria for the approval of research and data requests from state and local agencies, the Tennessee General Assembly (TGA), researchers, and the public. Unless approved by the SBE, prohibits the DOE from transferring student or de-identified data that is confidential to any federal, state, or local agency, or other out-of-state organization or entity with certain exceptions. Requires policies to also include provisions for authorizing access to the student data system and individual student data; complying with FERPA and other privacy laws and policies; and ensuring that contracts governing databases, assessments, or instructional supports, that include student or de-identified data and are outsourced, include provisions to protect privacy and security. Requires any new student data collection proposed by the SBE to become a provisional requirement that will authorize local education agencies (LEAs) and their local data vendors the opportunity to meet the new requirement. Requires the Governor and TGA to be notified of changes to data collection or inclusion of other items. Requires the Governor and the Education Committees of the TGA be given the provisional student data collection for their review and recommendation within one year.

Requires the Commissioner of Education to designate one employee as the Chief Privacy Officer and sets forth the duties of this position. Requires LEAs to provide parents and guardians with an electronic copy of their students' educational records upon request. Declares that parents and guardians have the right to inspect their children's education records and to request student data specific to those records.

Requires DOE to develop a model student policy for use by LEAs concerning the use and the security of student records. Prohibits LEAs from collecting individual student data on political affiliation or religion. Any collection of student data in existence prior to July 1, 2014 shall not be a part of the requirements of the bill.

## **ESTIMATED FISCAL IMPACT:**

### **Increase State Expenditures – \$88,500**

#### Assumptions:

- DOE will require one additional employee at a cost of \$72,100 in salary and \$16,352 in benefits; a total recurring increase in state expenditures of \$88,452 (\$72,100 + \$16,352).
- The state will continue to contract with all outside vendors.
- Based on information received from the SBE, the board can perform all bill requirements in the normal course of business and within regularly-scheduled board meetings without a significant increase in state expenditures.
- Any increase in local government expenditures to provide copies of student records as appropriate is estimated to be not significant.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Lucian D. Geise', is positioned above the printed name.

Lucian D. Geise, Executive Director

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